UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,939	06/12/1998	GEORGE KULT	CDR-97-031	2380

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EXAMINER
BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/096,939	KULT ET AL.
	Examiner	Art Unit
	REXFORD N. BARNIE	2643

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/27/2004</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fletcher et al. (H 1,897) in view of Kawagoe et al. (US Pat# 5,961,595) or Hebert (US

Pat# 6,134,618).

Regarding claim 1, Fletcher et al. teaches a communication system with a

computer in the form of a call processor which happens to be part of the communication

system in (see col. 8 lines 44-58 and fig. 2) with a resource management means for

controlling internal and external means. Furthermore, according to (see col. 9 lines 30-

43 and col. 12), the resource management means can communicate and allocate

resources and also would communicate using a standard or common management. The

system processor application (94 of fig. 2) can communicate with other resources

including that of element in (see 70 of fig. 2).

Fletcher fails to teach being able to format stored data in a table format indicative

of current resource management.

Kawagoe teaches a network management system with resource management

module in (see figs. and cols. 5-6), communications between resources wherein the

communication can be done through standard management. Furthermore, according to Kawagoe, keeping track of resource status in a table format.

Hebert teaches a telecommunication switch having a universal API wherein resources can be managed and controlled by using a standard management means in (see abstract, figs., col. 1 lines 15-20, col. 3 and so forth) wherein furthermore, the state/event states can be monitored and organized in a table format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of Fletcher thus providing uniformity, reducing cost and providing flexibility when making changing.

Regarding claim 3, Fletcher et al. teaches a communication system with a computer in the form of a call processor which happens to be part of the communication system in (see col. 8 lines 44-58 and fig. 2) with a resource management means for controlling internal and external means. Furthermore, according to (see col. 9 lines 30-43 and col. 12), the resource management means can communicate and allocate resources and also would communicate using a standard or common management. The system processor application (94 of fig. 2) can communicate with other resources including that of element in (see 70 of fig. 2).

Flectcher fails to teach being able to format stored data in a table format indicative of current resource management.

Kawagoe teaches a network management system with resource management module in (see figs. and cols. 5-6), communications between resources wherein the

communication can be done through standard management. Furthermore, according to

Kawagoe, keeping track of resource status in a table format.

Hebert teaches a telecommunication switch having a universal API wherein

resources can be managed and controlled by using a standard management means in

(see abstract, figs., col. 1 lines 15-20, col. 3 and so forth) wherein furthermore, the

state/event states can be monitored and organized in a table format.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the teaching of either one of the secondary

references into that of Fletcher thus providing uniformity, reducing cost and providing

flexibility when making changing.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stone et al. (US Pat# 6,421,737) in view of Kawagoe et al. (US Pat# 5,961,595) or

Hebert (US Pat# 6,134,618).

. Regarding claim 2, Stone et al. teaches a communication system in (see figs.,

cols. 3-7) wherein resources can be monitored by using a resource manager and

queries can be sent to the resource manager, being able to store resource data and

displaying available resources).

Stone et al fails to teach being able to generate and organized data in a table

format.

Kawagoe teaches a network management system with resource management

module in (see figs. and cols. 5-6), communications between resources wherein the

communication can be done through standard management. Furthermore, according to

Kawagoe, keeping track of resource status in a table format.

Hebert teaches a telecommunication switch having a universal API wherein

resources can be managed and controlled by using a standard management means in

(see abstract, figs., col. 1 lines 15-20, col. 3 and so forth) wherein furthermore, the

state/event states can be monitored and organized in a table format.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the teaching of either one of the secondary

references into that of Fletcher thus providing uniformity, reducing cost and providing

flexibility when making changing.

Regarding claim 3, Stone et al. teaches a communication system in (see figs.,

cols. 3-7) wherein resources can be monitored by using a resource manager and

queries can be sent to the resource manager, being able to store resource data and

displaying available resources).

Stone et al fails to teach being able to generate and organized data in a table

format.

Kawagoe teaches a network management system with resource management

module in (see figs. and cols. 5-6), communications between resources wherein the

communication can be done through standard management. Furthermore, according to

Kawagoe, keeping track of resource status in a table format.

Hebert teaches a telecommunication switch having a universal API wherein

resources can be managed and controlled by using a standard management means in

(see abstract, figs., col. 1 lines 15-20, col. 3 and so forth) wherein furthermore, the state/event states can be monitored and organized in a table format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either one of the secondary references into that of Fletcher thus providing uniformity, reducing cost and providing flexibility when making changing.

Regarding claims 4-8, The combination teaches a service logic, system manager resource manager, program data, and controller data. The combination teaches being able to organize information in a table format.

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al. (US Pat# 6,421,737) in view of Kawagoe et al. (US Pat# 5,961,595) or Hebert (US Pat# 6,134,618) and further in view of Barker et al. (US Pat 2001/0052006) or Alfieri et al. (US Pat# 5,666,486).

Regarding claims 9-16, The combination fails to teach heartbeats and semaphore with tables defining other parameters.

Barker teaches a communication system in (see figs, section 0252, 0571, 05877, 0595 and disclosure) wherein heartbeats and semaphores in conjunction with other parameters in (see disclosure and tables).

Alfieri teaches a resource management system wherein resources can be managed to keep track of events and parameters. Furthermore, according to Alfieri, hearbeats and semaphore can be used in (see col. 6 and col. 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of the combination thus making it possible to manage network resources using the various parameters.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
07/07/05

REXFORD BARNIE
PRIMARY EXAMINER